

the real estate with as little delay as the nature of the case may require. This petition is entirely irregular and unsuited to what appears to be the object in view. Whereupon it is Ordered, that the petition be and the same is hereby dismissed with costs.

Afterwards, on the 2d of January, 1828, *George Howard, Benjamin C. Howard, William Howard, James Howard, Charles Howard*, and *James Howard McHenry* by his guardian and next friend *Charles Howard*, filed their bill against *William George Read* and *Sophia* his wife, and *John Eager Howard*, an infant, stating that the parties were the devisees of the real estate of the late *John Eager Howard*, as specified in his will. Whereupon the plaintiffs prayed that a partition thereof might be made among them.

The defendants *Read* and wife put in their joint answer, and the infant defendant answered by his guardian. They all admitted the facts as set forth in the bill, and united in praying for a partition. The plaintiffs recommended commissioners on their part, and the defendants having made a similar recommendation on their behalf, the solicitors of the parties were heard as to a proper selection from the persons put in nomination; and the case was submitted.

22d January, 1828.—BLAND, Chancellor.—The said case standing ready for hearing, and being submitted, the bill, answer, and all other proceedings were, by the Chancellor, read and considered; and it appearing reasonable and proper, that partition should be made of the said real estate as prayed;—

It is thereupon *Decreed*, that there be a partition of the real estate whereof the late *John Eager Howard* died seized, among his said devisees, the parties to this suit, in the manner and upon the principles prescribed by his last will and testament; and for that purpose, all the real estate of which the said testator died seized, which may remain after the payment of his debts, shall be valued, together with and including all the real estate which he may have, at any time prior to the ninth day of October, in the year eighteen hundred and twenty-seven, conveyed to any of his said children, rating the same at its present value, and deducting therefrom the value of the improvements which have been made upon such property during its possession by said children; or while in the possession of any other person claiming under them; and upon such valuation, the whole shall be divided into eight parts. And to the end that this court may be enabled to make a just valuation